

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 536

H. P. 556

House of Representatives, February 10, 1953.

Referred to Committee on Veterans and Military Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McCluskey of Warren.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Civil Defense.

Emergency preamble. Whereas, recent events have shown that there is an imperative need for an adequate civil defense and public safety program in order to protect the citizens of this state; and

Whereas, the existing provisions of law for the development of civil defense and public safety are inadequate; and

Whereas, it is deemed necessary to protect civil defense and public safety workers in the performance of their duties, so all citizens will participate; and

Whereas, unsettled world conditions require our utmost vigilance; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 11-A, § 5, repealed and replaced. Section 5 of chapter

11-A of the revised statutes, as enacted by chapter 298 of the public laws of 1949, is hereby repealed and the following enacted in place thereof:

‘Sec. 5. Public safety council. There is hereby created a public safety council, which shall be composed of 5 members. All members shall be appointed by the governor with the advice and consent of the executive council. They shall serve during the pleasure of the governor and executive council. The governor shall be a member *ex officio*. The members thereof shall serve without compensation, but, other than state officers, may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duty. The public safety council shall meet at least 4 times in each calendar year, and as many other times as they shall deem necessary.

The council shall advise the governor and the director on all matters pertaining to civil defense and public safety. The council shall not interfere with any of the operational duties of the director which have been assigned to him by section 4, provided, however, that nothing herein contained shall be construed to mean that the council cannot advise on such affairs, or that the creation of this council relieves the director of his responsibility for carrying out the civil defense and public safety program, pursuant to section 4.’

Sec. 2. R. S., c. 11-A, § 20, additional. Chapter 11-A of the revised statutes, as enacted by chapter 298 of the public laws of 1949, is hereby amended by adding thereto a new section to be numbered 20, to read as follows:

‘Sec. 20. Compensation of injuries received in line of duty. All members of the civil defense and public safety forces shall be deemed to be employees of the state when engaged in training for or on civil defense and public safety duty, and shall have all the rights given to state employees under the provisions of the workmen’s compensation act. All claims shall be filed and prosecuted and determined in accordance with the procedure set forth in the workmen’s compensation act.

In computing the average weekly wage of any claimant under the provisions of this section, the average weekly wage shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged.

Any sums payable under any act of congress or other federal program as compensation for death, disability or injury of civil defense workers shall be considered with the determination and settlement of any claim

brought under the provisions of this section. When payments received from the United States are less than an injured member would have been entitled to receive under this section, then he shall be entitled to receive all the benefits to which he would have been entitled under the provisions of this section, less the benefits actually received from the United States.'

Sec. 3. R. S., c. 11-A, § 21, additional. Chapter 11-A of the revised statutes, as enacted by chapter 298 of the public laws of 1949, is hereby amended by adding thereto a new section to be numbered 21, to read as follows:

'Sec. 21. Loss or damage to equipment. Whenever the governor shall declare that any emergency exists in any or all sections of the state, and in answer to this emergency, other political sub-divisions render aid pursuant to this chapter or by reason of any agreement made thereunder, and during such assistance the equipment belonging to the assisting political subdivision is lost or damaged, such equipment shall be repaired or replaced, and the cost shall be paid by the state, under the provisions of section 19. Provided, that nothing herein contained shall prevent the assisting political subdivision from assuming the cost of the loss or damage to their equipment.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.